

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

BERNABE PALOMINO

v.

COMMISSIONER, SSA

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Civil Action No. 4:17-CV-822

(Judge Schell/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

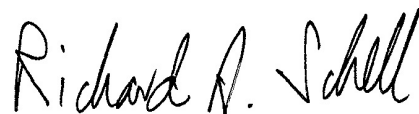
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 28, 2020, the report of the Magistrate Judge (Dkt. #34) was entered containing proposed findings of fact and recommendations that Plaintiff's "Petition to Obtain Approval of a Fee for Representing a Social Security Claimant" under 42 U.S.C. § 406(b) (Dkt. #29) be granted.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is therefore **ORDERED** that Plaintiff's "Petition to Obtain Approval of a Fee for Representing a Social Security Claimant" under 42 U.S.C. § 406(b) (Dkt. #29) is **GRANTED**. Plaintiff's attorney is awarded a fee in the amount of thirteen thousand eight hundred eighty-eight dollars and forty cents (\$13,888.40), to be paid from Plaintiff's past-due benefits being withheld by the Commissioner for attorney fees. Upon receipt of such payment, Plaintiff's attorney shall refund to Plaintiff the EAJA award previously granted in this cause.

**IT IS SO ORDERED.**

**SIGNED this the 20th day of October, 2020.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE